

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-458-D

CHRISTOPHER HARSHMAN,)
)
Plaintiff,)
)
v.) **ORDER**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

On September 15, 2011, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”) [D.E. 34]. In that M&R, Judge Webb recommended that plaintiff’s motion for judgment on the pleadings [D.E. 29] be granted, that defendant’s motion for judgment on the pleadings [D.E. 31] be denied, and that the action be remanded to the Commissioner. No party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s motion for judgment on the pleadings is

GRANTED [D.E. 29], defendant's motion for judgment on the pleadings [D.E. 31] is DENIED, and the action is REMANDED to the Commissioner as set forth in the M&R.

SO ORDERED. This 18 day of October 2011.



JAMES C. DEVER III
Chief United States District Judge